

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAYSEAN D. BARBER,

Plaintiff,

vs.

U.S. BANK, CREDIT ONE BANK, and ELAN
FINANCIAL SERVICES,

Defendants.

8:24CV426

**ORDER ON PLAINTIFF'S
APPLICATION TO APPEAL IN FORMA
PAUPERIS**

In this case, *pro se* plaintiff RaySean Barber asserted claims against defendants identified as Credit One Bank, U.S. Bank, and Elan Financial Services. [Filing 1](#). The Court granted the two sets of Defendants' separate Motions to Compel Arbitration and dismissed the case. [Filing 26 at 20](#). On Barber's Motion for Relief from Judgment or Order pursuant to [Federal Rule of Civil Procedure 60\(b\)\(1\)](#), the Court granted the Motion to the extent that the part of its prior Order dismissing the case was vacated, and the case was instead stayed pending arbitration, but the Court otherwise denied Barber's Rule 60(b)(1) Motion. [Filing 34 at 17](#). Barber then filed a Notice of Appeal, [Filing 36](#), and an Application to Proceed Without Prepaying Fees or Costs, [Filing 37](#), which is now before the Court.

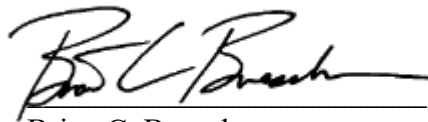
Although Barber paid the initial filing fee, *see* [Filing 1](#), his Application shows that he is unemployed, has no income, has debts in excess of \$8,000, and pays nothing for housing, transportation, or utilities. [Filing 37 at 1–2](#). His Application satisfies the requirements of Federal Rule of Appellate Procedure 24(a)(1)(A) and (B). Although his Application does not “state[] the issues that [he] intends to present on appeal,” as required by Federal Rule of Appellate Procedure 24(a)(1)(B), his Notice of Appeal states that he intends to appeal the Order “[d]enying in part Plaintiff's Rule 60(b)(1) motion.” [Filing 36 at 1](#). Under the circumstances, the Court concludes

that Barber has demonstrated he should be allowed to proceed on appeal without prepaying or giving security for fees and costs and that no other statute provides otherwise. [Fed. R. App. P. 24\(a\)\(2\)](#). Accordingly,

IT IS ORDERED that Plaintiff Barber's Application to Proceed Without Prepaying Fees or Costs, [Filing 37](#), is granted, and Barber may proceed on appeal without prepaying or giving security for fees and costs.

Dated this 10th day of April, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge